UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,128	06/23/2000	ARIJIT MUKHERJI	062891.0397	1473

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2654	6

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DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5*.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Response to Amendment

2.   This communication is responsive to the applicant's amendment dated 10/02/2003 (Paper

4). Applicant amended claims 1, 7, 8, 10, 13 and 37.

Information Disclosure Statement

3.   The references listed in the Information Disclosure Statement submitted on 10/02/2003

(Paper 5) have been considered by the examiner (see attached PTO-1449).

Response to Arguments

4.   Applicant's arguments filed on 10/02/03 (Paper 4) with respect to claims 1-37 have been

fully considered but they are not persuasive.

5.   In response to applicant's arguments with respect to claim 1 (also related to claims 8, 17,

24 and 31) that "Pickett (prior art) fails to disclose 'generating packets encoding the voice

information and the text' and 'communicating the packets encoding the voice information and

the text to the remote participant' " (paper 4: page 9, paragraph 2), and "without citing any

authority, the examiner apparently assumes that the packetized data stream disclosed in Pickett

'inherently' include text' " that applicant disagreed (paper 4: page 9, paragraph 3), examiner

respectfully disagrees with applicant and has a different view of prior art teachings.

First, as stated in the claim rejection, Pickett discloses all the limitations (see detail in the

claim rejection in last office action), except that part covered by the official notice.

Second, regarding the limitation of "text", Pickett inherently and also explicitly discloses

that transmitted data stream in a computer-based communication using TCP/IP for packet

includes text. For example, the centralized system 50 (Fig. 2) has a speech/voice recognition and

speech-to-text conversion feature (paragraph [0297]) so that it necessarily transmits the text to

other computer system(s), for it doesn't make sense that the text goes nowhere. Further, Pickett

also explicitly discloses the system transmitting/communicating text message (paragraph [0143])

and packetizing email (equivalent to text) (paragraph [0298]).

In response to applicant's arguments that challenge examiner's official notice and

requests supporting evidence (paper 4: page 9, paragraph 4), examiner provide a reference

(Sharman: US 6,100,882) which teaches using local workstation for speech recognition and

transmission voice and text to other parties in a conference, as evidence to support the rejection.

The claim rejections in this office action next, has been modified to reflect the applicant's

request by including the Sharman reference.

Claim Rejections - 35 USC § 103

6.   Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US

2002/0001302 A1), in view of Sharman et al. (US 6,100,882), hereinafter referenced as

Sharman.

Regarding **claim 1**, Pickett discloses systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses and methods for performing telephony and data functions using the same. Pickett further discloses that VoIP communications attempts to provide reasonable voice communications over data/packet networks by allowing voice and signaling information to be transported over the data/packet network, and an IP network typically is used to transport the calls, which generally may be over an intranet or over the Internet (paragraph [0367]) that inherently provides packet based communication session for voice and text data, which corresponds to the claimed "communicating voice and text associated with a packet based voice communications session". Furthermore, Pickett discloses that:

a.   computer 24 (Fig.3) having microphone (inherently used for receiving voice information) is coupled to communications system 50 over packet bus 80A through an appropriate packet through standard protocol H.323 (see, Fig. 3), for transmission to a remote computer (paragraph [0194]), which corresponds to the claimed "receiving voice information from a local participant in a packet-based voice communications session having at least one remote participant;"

b.   data streams may be desirably coupled to a resource such as DSP 76 in order to have processes such as speech/voice recognition, text to speech conversion, speech to text conversion, compression, translation (paragraph [0297]), which corresponds to the claimed "converting the voice information into text;"

c.   the analog voice is converted to a Pulse Code Modulation (PCM) digital stream and coded in the Mu-Law standard format or the A-Law standard format (paragraph [0373]),

and speech encoder algorithms may more optimally implement rules concerning packet delivery

and disposition management (paragraph [0380]), VoIP communication provide reasonable

voice communication over data/packet network (paragraph [0367]); and audio (voice)

information preferably are coupled between communications system 50 (Fig. 3) and computer

24 through an appropriate packet standard (paragraph [0194]) and email (text) may be

packetized into a data format (paragraph [0298]), so that the communications system can

encode, compress data, and generate packets for voice and text, which reads on the claimed

"generating packets encoding the voice information and the text;" and

      d.   processor/system resources 70 processes the data stream that may preferably is in

a suitable form/protocol (such as TCP/IP) for transmission to a remote computer (herein

interpreted as a remote participant) running a compatible video conference program (inherently

including voice communication) (see, Fig. 3) (paragraph [0194]); and NetMessage feature

provides transferring a call and leaving a text message (paragraph [0139]), which provide

capability of the claimed "communicating the packets encoding the voice information and the

text to a remote participant."

In addition, Pickett discloses that the system provides Voice over IP (VoIP) technique (paragraph

[0361]), uses H.323 standard (paragraph [0368]), and uses H.323 terminals that can either be a

PC or a standalone device and provides audio communications while optionally supporting video

or data communications (paragraph [0361]), which further supports to implement the

functionality as stated above because both VoIP and H.323 are packet-based communications

and H.323 supports multimedia communications including audio and text. But, regarding the

claimed limitation, the difference between Pickett and applicant is that Pickett uses a centralized

DSP system for speech-to-text converting, while applicant uses a local terminal device.

However, the feature of using a local speech recognition is well known in the art as evidenced by

Sharman who discloses textual recoding of contributions to audio conference using speech

recognition (title), comprising a distributed system performing speech recognition to convert

speech to text at local workstation (column 2, lines 50-65), and transmitting speech and the

converted text to the other workstation(s) (abstract). Therefore, it would have been obvious to

one of ordinary skill in the art at time the invention was made to modify Pickett by specifically

providing a local workstation for each participant for speech recognition and voice/text

transmission in a conference, as taught by Sharman, for the purpose of offering voice and text

with natural conversation and providing optional feature of automatic translation for multilingual

conferences (column 3, lines 10-20).

Regarding **claim 2**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 1). As stated above, Pickett discloses that VoIP communications attempts to provide

reasonable voice communications over data/packet networks by allowing voice and signaling

information to be transported over the data/packet network, and an IP network typically is used

to transport the calls, which generally may be over an intranet or over the Internet (paragraph

[0367]), which corresponds to the claimed "the packet-based voice communications session

comprises an Internet protocol (IP) telephony communications session."

Regarding **claim 3**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 1). As stated above (see claim 1, elements b and c), Pickett discloses speech to text

conversion (paragraph [0297]), and digital stream coding (paragraph [0373]) and packetizing

(paragraph [0380]), which corresponds to the claimed "wherein generating the packets encoding

the voice information and the text comprises: generating a first stream of packets encoding the

text; and generating a second stream of packets encoding the voice information."

Regarding **claims 4 and 5**, Pickett and Sharman disclose everything claimed, as applied

above (see claim 3). Pickett further suggests that VoIP technique uses IP address and DUP or

TCP packet (herein equivalent to protocol) (paragraphs [0374] and [0388]), which corresponds

to the claimed "wherein communicating comprises communicating the first stream of packets

using a first Internet protocol (IP) transmission protocol and communicating the second stream

of packets using a second IP transmission protocol" (claim 4) and "the first transmission protocol

comprises transmission control protocol (TCP); and the second transmission protocol comprises

user datagram protocol (UDP)" (claim 5).

Regarding **claim 6**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 1). Pickett discloses that computer terminal (also H.323 terminal) 24 (Fig. 24)

(paragraph [0194]), processor/system resources 70 (paragraph [0072] and communication system

50 (paragraph [0155]) can have display device, so that system is capable of implementing the

functionality as the claimed "displaying the text using a visual output device."

Regarding **claim 7**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 1). Pickett further discloses that computer 24 (Fig. 13C) includes camera 24A, and

preferably a microphone and speaker; the packetized video information is provided from

computer 24 (Fig. 3) to communications system 50 over packet bus 80A and processor/system

resources 70 processes the packetized data stream (inherently including voice or text or video) in

a suitable form/protocol (such as TCP/IP) for transmission to a remote computer (paragraph

[0194]), so that system is capable of implementing the functionality as the claimed "receiving

packets encoding remote voice information and remote text from the remote participant;

outputting the remote voice information using an acoustic output device; and displaying the

remote text using a visual output device."

Regarding **claim 8**, it discloses an interface for a telecommunication device, which

corresponds to the combined method claims 1 and 7. The interface is obvious in that it simply

provides implementation and structure for the functionality found in claims 1 and 7.

Regarding **claims 9-13**, they depend on claim 8 and disclose an interface for a

telecommunication device, which corresponds to the method claims 2-6 and 1, respectively. The

rejection are, in addition, based on the same reason of the rejection for the limitation of claims 2-

6 and 1, respectively, because the interface is obvious in that it simply provides implementation

and structure for the functionality found in claims 2-6 and 1 respectively.

Regarding **claim 14**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 8). Pickett further discloses using H.323 terminals that can be a PC and provides

audio communications while optionally supporting video or data communications (paragraph

[0370]), wherein PC inherently includes the embodied software or program, such as windows

operating system and GUI tools, which is corresponds to the claimed "the interface comprises a

computer program embodied in a computer readable medium."

Regarding **claim 15**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 8). Pickett in view Sharman further discloses that data streams may be desirably

coupled to a resource such as DSP 76 in order to have processes such as speech to text

conversion (Pickett: paragraph [0297]), plus speech synthesis to covert the text into the correct

language (herein referring speech language) (Sharman: column 3, lines18-19), which

corresponds to the claimed "operable to output the voice information using speech synthesis to convert the text into an audio output".

Regarding **claim 16**, Pickett and Sharman disclose everything claimed, as applied above (see claim 8). Pickett in view Sharman further discloses that an automatic translation unit could be interposed between the speech recognition and speech synthesis to convert the text into the correct language for each participant (Sharman: column 3, lines16-19), which corresponds to the claimed "operable to translate the text from a first language to a second language".

Regarding **claims 17-23**, they disclose telephony communication software embodied in a computer readable medium for a telecommunication device, which corresponds to the method claims 1-7, respectively; the software embodied in a computer readable medium is obvious in that it simply provides implementation for the functionality found in claims 1-7, respectively.

Regarding **claim 24**, it discloses a telecommunication system, which corresponds to the combined method claims 1 and 7. The system is obvious in that it simply provides structure for the functionality found in claims 1 and 7.

Regarding **claims 25-27**, they depend on claim 24 and disclose a telecommunication system, which corresponds to the method claims 3-5, respectively. The rejection are, in addition, based on the same reason of the rejection for the limitation of claims 3-5, respectively, because the system is obvious in that it simply provides structure for the functionality found in claims 2-5, respectively.

Regarding **claims 28-29**, they depend on claim 24 and disclose a telecommunication system. The rejection are, in addition, based on the same reason of the rejection for the

limitation of claims 16 and 15 respectively, because claims 28 and 29 recite the same or similar

limitation(s) as claims 16 and 15, respectively.

Regarding **claim 30**, Pickett and Sharman disclose everything claimed, as applied above

(see claim 24). Pickett further discloses that VoIP communications provides voice

communications over data/packet networks and an IP network typically is used to transport the

calls over an intranet or over the Internet (paragraph [0367]), which is equivalent to the claimed

"the communications session comprises a voice over packet (VoIP) telephone call".

Regarding **claims 31-37**, they disclose an apparatus (device), which corresponds to the

method claims 1-7, respectively; the apparatus is obvious in that it simply provides structure for

the functionality found in claims 1-7, respectively.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
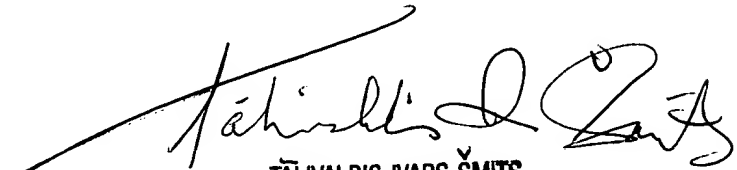
final action.

8.   Any response to this office action should be mailed to:
        Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA22313-1450
        or faxed to:
                (703)-872-9314
        Hand-delivered responses should be brought to:
                Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth Floor (Receptionist).

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The
examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Richemond Dorvil, can be reached on (703) 305-6954.

        Any inquiry of a general nature of relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

        QH/qh
        December 17, 2003

TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER